

## **REMARKS**

With this Response, no claims are amended, added, or canceled. Therefore, claims 1-91 are pending.

### **CLAIM REJECTIONS - 35 U.S.C. § 103**

#### **Claims 1-6, 16, 22, 24-27, 34-37, 40-46, 57-69 and 80-85**

Claims 1-6, 16, 22, 24-27, 34-37, 40-46, 57-69 and 80-85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 of Shin et al. (hereinafter “Shin”) in view of US Patent Publication No. 2002/0044564 of Ranta (hereinafter “Ranta”). The Office Action at pages 2-3 acknowledges that Shin fails to disclose the invention as recited in independent claims

Claim 1 recites the following:

Receiving a random access request for a traffic channel of a plurality of traffic channels **on a first random traffic channel of the plurality of traffic channels**, the traffic channel to be selectively allocatable by the base station for communication with a user terminal;

Determining whether a traffic channel of the plurality of traffic channels is available to allocate to the requestor; and

Communicating to the requestor whether a traffic channel of the plurality of traffic channels is available.

Claims 34, 36, and 64 recite similar limitations directed to receiving a random request for a traffic channel, on a traffic channel.

Claim 41 recites the following:

Receiving a request for an access channel of a plurality of channels **on a first unallocated channel of the plurality of channels**;

Determining whether an access channel of the plurality of channels is available; and

Communicating to the requestor whether an access channel of the plurality of channels is available.

Claims 16, 60, and 63 recite similar limitations directed to receiving a request for an access channel on an unallocated channel.

Thus, the claims recite receiving requests for a channel, **not** on a control channel or dedicated or assigned random access channel, as is traditionally performed; rather, the request for access is received randomly on a traffic channel, as recited in claims 1, 34, 36, and 64, or an unallocated channel, as recited in claims 16, 41, 60, and 63.

The Office Action at pages 2-3 acknowledges that Shin fails to disclose receiving a request for a channel on a channel that is not assigned as a control channel or random access channel. The Office Action further recites Ranta as curing the deficiencies of Shin. Applicants traverse. Ranta discusses using a channel that is normally not dedicated for fast signaling as a fast signaling channel. See [0031]. As one example of a channel that could be used for fast signaling, Ranta recites a dedicated random access channel. See [0031], "For example, each cell has a certain frequency on which the mobile stations may transmit their random access requests." Thus, Ranta cannot disclose the invention as recited in the claims, at least because Ranta assumes the use of a dedicated random access channel. Furthermore, Applicants submit that the subject matter of Ranta is not applicable to the claimed invention, inasmuch as Ranta discusses channel selection for fast signaling, and not for receiving channel requests.

In contrast to the cited references discussing making requests on channels dedicated or assigned for the purpose of receiving such requests, Applicants recite receiving requests for a channel on traffic channel (see claims 1, 34, 36, and 64) or an unallocated channel (see claims 16, 41, 60, and 63). Thus, the references, either alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims. Therefore, Applicants submit that the cited references fail to support an obviousness rejection under MPEP § 2143 for failing to disclose every element of the claimed invention.

#### **Claims 7-8, 11, 18, 47-48, 51, 70-71 and 74**

Claims 7-8, 11, 18, 47-48, 51, 70-71 and 74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter "Shin") in view of US Patent Publication No. 2002/0044564 to Ranta (hereinafter "Ranta") and further in view of US Patent Publication No. 2002/0072348 to Wheeler et al. (hereinafter "Wheeler"). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Wheeler is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

### **Claims 9-10, 39, 49-50, 56, 72-73 and 79**

Claims 9-10, 39, 49-50, 56, 72-73 and 79 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) in view of US Patent Publication No. 2002/0044564 to Ranta (hereinafter “Ranta”) and further in view of US Patent Publication No. 2002/0087740 to Castanho et al. (hereinafter “Castanho”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Castanho is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

### **Claims 12-14, 52-53 and 75-76**

Claims 12-14, 52-53 and 75-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin and US Patent Publication No. 2002/0044564 to Ranta (hereinafter “Ranta”) in view of US Patent Publication No. 2003/0163393 to Mittal et al. (hereinafter “Mittal”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Mittal is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

### **Claims 15, 55 and 78**

Claims 15, 55 and 78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent Publication No. 2002/0044564 to Ranta (hereinafter “Ranta”) in view of US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Robinson is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in

combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

### **Claims 17 and 38**

Claims 17 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent Publication No. 2002/0044564 to Ranta (hereinafter “Ranta”) in view of US Patent No. 6,006,084 to Miller et al. (hereinafter “Miller”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Miller is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

### **Claim 20**

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent Publication No. 2002/0044564 to Ranta (hereinafter “Ranta”) in view of US Patent Publication No. 2002/0065081 to Barany et al. (hereinafter “Barany”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Barany is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

### **Claims 28-29 and 30-31**

Claims 28-29 and 30-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent Publication No. 2002/0044564 to Ranta (hereinafter “Ranta”) in view of US Patent No. 5,345,596 to Buchenhorner et al. (hereinafter “Buchenhorner”). The rejection of these claims is based upon

the rejection of the independent claims, the deficiencies of which are discussed above. Buchenhorner is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

### **Claims 32-33**

Claims 32-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent Publication No. 2002/0044564 to Ranta (hereinafter “Ranta”) and US Patent Publication No. 2002/0065081 to Barany et al. (hereinafter “Barany”) in view of US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. The deficiencies of Barany and Robinson are discussed above, specifically that they are not cited for, nor indeed do they cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

### **Claims 86-91**

Claims 86-91 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent Publication No. 2002/0044564 to Ranta (hereinafter “Ranta”) in view of US Patent Publication No. 2003/0133426 to Schein et al. (hereinafter “Schein”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Schein is not cited for, nor indeed does the reference cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

## **CONCLUSION**

For at least the foregoing reasons, Applicant submits that the rejections of the claims have been overcome herein, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

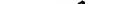
Date: December 12, 2005

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